



Administrative Memorandum

Nebraska Supreme Court
State Court Administrator
P. O. Box 98910
Lincoln, NE 68509
402-471-3730

DT: February 2005

RE: Administrative Memorandum 05-002

- Lexis Awarded Statewide Contract
- New County Judges
- New Clerk Magistrates
- Dispute Resolution & Rural Court Services Director Hired
- State Probation Administrator Resigns
- New Department of Corrections Director
- Judicial Branch Education
- Sesquicentennial of the Library
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- Child Support Guideline Basic Subsistence Limitation Amended
- Policy Statement on Interest of Stipulated Payments on Condemnation Awards
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- Work Ethic Camp Demographics
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- JUSTICE Training Opportunities

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Administrative Memoranda available at www.nebraskacourt.com under "Court Administrator's Office" on the main page, left hand menu.

◆ LEXIS AWARDED STATEWIDE CONTRACT FOR ELECTRONIC RESEARCH

After a competitive bidding process, the Nebraska Supreme Court has awarded a 5 year contract to provide electronic legal research services to Lexis Nexis. The contract covers services for all judges, referees and law clerks. There will be two mailings from the Administrative Office of the Courts. The first will provide a general overview. The second will include access codes, passwords, some basic information about Lexis Nexis and a training schedule. The services provided are among the most extensive provided by Lexis Nexis. The effective date of the contract is March 1, 2005.

◆ NEW COUNTY JUDGES

James M. Worden, County Judge, Scottsbluff

James M. Worden was appointed county court judge for the 12th Judicial District on December 29, 2004, following the retirement of Judge James Macken.

Worden, 39, practiced law with Simmons Olsen Law Firm, P.C. since 1992 where he focused on employment law and criminal defense. Worden also served as deputy county attorney and county attorney for Banner County.

Worden earned his undergraduate degree in history from the University of Nebraska in 1989 and his law degree from the University of Nebraska in 1992.

Kenneth Vampola, County Judge, Fremont

Kenneth Vampola is the first judge appointed by new Gov. Dave Heineman on February 17, 2005. Vampola will take the county court bench in Fremont, 6th Judicial District.

Vampola, 49, has been the chair of the Nebraska Board of Parole and a member of the Governor's Cabinet since 2003. Prior to his appointment, Vampola's primary legal experience came from serving as a Winnebago Tribal Court Judge. He was a prosecutor for the Winnebago Tribe from 1995–1998. He also maintained a private legal practice in Fremont and Arlington from 1992–2003, where he engaged in general practice.

He has been involved in addressing corrections and legal issues in recent years, serving on several commissions including the Nebraska Community Corrections Council and the Nebraska Supreme Court Commission on Children in the Courts. He is on the National Council of Parole Chairs and is a member of the Nebraska Chapter of the American Corrections Association.

Vampola earned his undergraduate degree in journalism from the University of Nebraska–Lincoln in 1974 and his law degree from the University of Nebraska–Lincoln College of Law in 1992.

◆ NEW CLERK MAGISTRATES

The Hall County Court has a new Clerk Magistrate. Reynalda Carpenter is from Wood River and has worked in the insurance industry for nine years. Reynalda's customer service experience, strong people skills and her ability to speak fluent Spanish will be an asset to the county court. Reynalda and her husband Monie have two children. Reynalda says she is excited to learn about the court system and is already appreciating the support of the Hall County Court staff.

Margaret Padgett has been promoted to Clerk Magistrate for Keith and Arthur County Courts. Margaret has been with the county courts for 14 years and has held various positions including Records Clerk, Court Stenographer, Assistant Clerk I and now Clerk Magistrate. She and her husband together have 5 children and 8 grandchildren. Margaret started her new responsibilities the first of January.

Angela Haun is the new Clerk Magistrate for Kimball and Banner Counties. She comes to the court system after 13 years in a county attorney's office. Angela also has a degree in teaching. She and her husband Scott live in Kimball and have two teenagers, Katie and Brandon. Angela is excited about this new challenge which she began on February 29, 2005.

◆ DISPUTE RESOLUTION AND RURAL COURT SERVICES DIRECTOR HIRED

Nebraska Justice Center Executive Director, Debora Brownyard, has been named new Dispute Resolution and Rural Court Services Director by the Supreme Court. Brownyard is a Nebraska lawyer and mediator who currently resides in Lyons and directs the mediation center in Walthill which serves the northeast and north central areas of the state.

She will be responsible for organizing and supporting the statewide dispute resolution services throughout Nebraska, as well as general grant development and programming for rural court services.

Brownyard was the founding director of the Nebraska Justice Center which began offering mediation services in 1992. She has authored many publications ranging from an Elementary Conflict Resolution Skills Workbook to complete training manuals for mediation. She has a wide variety of training experience both nationally and within the state. Her training topics include the areas of Family Group Conferencing, Restorative Justice, Diversity and Culture Basic and Family Mediation, School-Based Peer Mediation and others.

Brownyard is expected to begin her position in Lincoln in the next couple of months.

◆ STATE PROBATION ADMINISTRATOR RESIGNS

The Nebraska Supreme Court has accepted the resignation of Probation Administrator Ed Birkel. Birkel was appointed in 1998; his resignation became effective February 8, 2005. The duties of the State Probation Administrator will continue to be executed by Deputy Probation Administrators Frank Jenson and Dave Wegner until the position is filled.

◆ NEW DIRECTOR HIRED FOR DEPARTMENT OF CORRECTIONAL SERVICES

Bob Houston of Omaha will be the new director of the Nebraska Department of Correctional Services. Houston will replace Harold Clarke, who will leave the post on February 28.

Houston, 54, has been the director of the Douglas County Department of Corrections since April 2003. Prior to that, he served as assistant director of the Nebraska Department of Correctional Services. Houston served within the state corrections system for 29 years, having started as a counselor at the Nebraska State Penitentiary in 1974. He was promoted to be part of the management team that opened the Lincoln Correctional Facility. Over the years he has also served as an associate superintendent, deputy warden, and warden of various facilities within Nebraska's correctional system.

He earned both a bachelor's and master's degree in criminal justice from the University of Nebraska.

◆ JUDICIAL BRANCH EDUCATION

Please mark your calendars for the following in-state programs to be held in 2005:

- **County Judges Annual Meeting**, June 28 – 30, North Platte, Sandhills Convention Center
- **Dist. Judges/Sep. Juv. Judges/Off. Court Reporters Annual Meeting**, June 8 – 10, Omaha, Marriott Hotel
- **Clerk Magistrates Annual Meeting**, September 28 – 30, South Sioux City, Marina Inn Conference Center
- **Fall Judges Meeting/NSBA Annual Meeting**, November 9 – 11, Lincoln, Cornhusker Hotel

Wayne County District Judge Robert Ensz, Madison County District Judge Patrick Rogers, and Sarpy County District Judge William B. Zastera attended the Introductory Training Program of the Drug Court Planning Initiative held from January 20-22, 2005, in Rancho Cucamonga, California. The conference was funded by the Bureau of Justice Assistance, a division of the U.S. Department of Justice, in collaboration with the National Drug Court Institute.

Separate Juvenile Court Judges Linda Porter, Lancaster County, and Doug Johnson, Douglas County, have taken their first round of grant-funded training through the Family Dependency Treatment Court. Each judge is in training, along with teams of ten court staff/officers, with the goal of establishing Family Dependency Drug Courts in their area. The three-part training courses are funded through the Drug Court Planning Initiative.

Hall County District Judge Teresa Luther, Douglas County District Judge Thomas Otepka and Buffalo County Judge Graten Beavers will attend Phase II of the Institute for Faculty Excellence in Judicial Education in Jeckyll Island, Georgia, March 8-10, 2005. This program is funded by a grant from the State Justice Institute.

Preparations are underway for orientations for new Clerk Magistrates and new County Judges. Other new employee orientations will be scheduled as needed.

If you have any questions, please contact Philip D. Gould, Director, Judicial Branch Education at 402-471-3072 or pgould@nsc.state.ne.us.

◆ SESQUICENTENNIAL OF THE LIBRARY

The justices of the Nebraska Supreme Court will commemorate the State Library's sesquicentennial with a celebration on March 1, from 3:00 to 5:00 p.m. Guests will be treated to an architectural and historic overview of the public rooms and a 'behind the stacks' tour of documents dating back to the library's origin.

A \$5,000 appropriation from the United States Congress on March 3, 1855, created the Territorial Library in Nebraska. According to the Federal Government's 'Statute at Large' from 1855, the action was intended to finance the acquisition of library resources. This appropriation was made 13 years before the territory of Nebraska became a state.

In 1935, the Nebraska Legislature created the Nebraska Library Commission. Sometime subsequent to 1935, the Nebraska Library Commission became the "state" library for all intents and purposes, even though the Supreme Court Library retained the official title of "Nebraska State Library". It was soon after the creation of the Library

Commission in 1935 that the Nebraska State Library moved the general titles of the collection to the Library Commission and exclusively became a law library. At the present time, the Nebraska State Library contains approximately 120,000 volumes. The Nebraska State Library serves the law library needs of the Nebraska Supreme Court, the Nebraska Court of Appeals, attorneys within the State of Nebraska, members of the Nebraska Legislature and their respective staffs, members of other state agencies, pro se litigants, and interested members of the general public.

Located on the third floor of the State Capitol, the Nebraska State Library is primarily a reference/research library as opposed to a circulating library. The beautifully-designed main library room is open to the public during working hours.

As a reminder to Judges: The Nebraska State Library takes telephone, fax, and e-mail requests for copies of materials in the library collection for patrons outside of the Lincoln area. The library will copy and mail copies, or fax requested materials to a requesting party.

For more information and photos, visit the Library website at www.nebraskacourt.com/library/lawlibindex.htm.

◆ COMMISSION ON CHILDREN HOLDS FIRST MEETING

The Nebraska Supreme Court Commission on Children in the Courts held its first meeting on Monday, February 21 (President's Day) with Chief Justice John Hendry making opening remarks reminding the members that they have been appointed to provide the Supreme Court with recommendations for change after they engage in a close scrutiny of the system. The commission is intended to produce results that will make a difference in the lives of children involved in the court system.

Judge Everett Inbody, Chief Judge of the Nebraska Court of Appeals, and Judge Douglas Johnson of the Separate Juvenile Court in Omaha co-chair the 34-member commission which includes lawyers, prosecutors, judges, legislators, advocates for children and others involved with child welfare and juvenile justice issues.

The commission's initial efforts will be in four areas.

Two subcommittees will look at legal representation of children in the system, and will develop standards and training protocols for attorneys who represent children in abuse and neglect cases as guardians-ad-litem and for lawyers who represent young persons in cases involving juvenile delinquency.

A third subcommittee will study time frames for termination of parental rights, along with other child abuse and neglect cases, to determine whether there are unnecessary delays in the appellate process.

A fourth subcommittee will be involved in planning a statewide summit on best practices in child abuse and neglect cases, which will offer training for attorneys, judges and others.

Additional subcommittees will be appointed as new issues are identified.

For additional information about the Commission, its membership and its mission, go to www.nebraskacourt.com/comm/commindex.htm and click on "Nebraska Supreme Court Commission on Children in the Courts" under the section titled "Committees on the Improvement of Justice".

◆ MINORITY AND JUSTICE IMPLEMENTATION COMMITTEE RELEASES SECOND YEAR PROGRESS REPORT

The Minority and Justice Implementation Committee has released its 2005 Progress Report. To view the report, go to the Nebraska Judicial Branch's website, www.nebraskacourt.com and click on "What's New".

Some of the initiatives highlighted in the Report include:

- Access to Bail/Bond: Development of a translated packet of information to be shared with defendants. The packet includes the following documents in a bilingual format (English and Spanish): Notice Of Rights of An In Custody Defendant, Notice of Right To Post Bond, and Affidavit In Support of Personal Recognizance Bond. This packet of information is intended to serve an informative purpose; non-English-speaking defendants may or may not be familiar with the United States' justice system and its processes
- The University of Nebraska College of Law Pre-Law Institute: University of Nebraska's College of Law summer Pre-Law Institute in 2003 which targets students who are traditionally underrepresented at the University
- Indigent Defense Report: An assessment of the progress Nebraska has made since the original 1993 study. Also provides the most recent data available on county indigent defense costs and caseloads and compares

these data to the information. Copies of the report were disseminated to policy makers in hopes of renewing a commitment to improving Nebraska's indigent defense systems and to highlight the areas where Nebraska needs

the most improvement. Hard copies of the report are available at the Nebraska State Bar Association. The report is also available on-line at http://www.nebar.com/pdfs/public_info/FINAL%20COPY-PDF.pdf

- **LB 1068:** In January of 2004, Senator Ernie Chambers introduced LB 1068 on behalf of the Minority and Justice Implementation Committee. The bill authorizes the Nebraska Supreme Court or its agent, access to pre-sentence reports for the purpose of research. Access to pre-sentence reports will allow the Supreme Court to periodically direct an analysis of the service provided by the courts of this state and by probation (such as setting of bond, sentencing, probation revocations, etc.) to see if there are any effects on the delivery of those services caused by race or ethnicity.

The 2005 Progress Report also includes the Implementation Committee's future plans for a Diversity Summit on April 11, 2005.

◆ JUDICIAL RESOURCES COMMISSION ANNOUNCES VACANCIES

The Judicial Resources Commission met Monday, February 14, 2005. At the meeting, it was determined that two county court judicial vacancies exist.

The first vacancy, in the 2nd Judicial District, is due to the retirement of the Honorable Larry F. Fugit, effective April 1, 2005. A public hearing will be held at the Sarpy County Courthouse in Papillion beginning on Monday, April 11, 2005.

The second vacancy, in the 5th judicial district, is due to the retirement of the Honorable Gary F. Hatfield, effective March 31, 2005. A public hearing will be at the Seward County Courthouse in Seward on Wednesday, April 13, 2005. The principal place of office for the judicial vacancy will be either Hamilton or Merrick County.

At the public hearings, the Commission will receive information on the qualifications of candidates to fill each vacancy.

For more information regarding the vacancies, visit Nebraska Judicial Branch's web site, www.nebraskacourt.com, under the "For the Press" page.

◆ CHILD SUPPORT GUIDELINE BASIC SUBSISTENCE LIMITATION AMENDED

The February 18, 2005 Federal Register reports that the United States Department of Health and Human Services has revised the poverty guidelines from \$9,310 (\$775.83 per month) to \$9,570 (\$797.50 per month)

R. Basic Subsistence Limitation. A parent's support, child care, and health care obligation shall not reduce his or her net income below the minimum of ~~\$776~~ \$798 net monthly for one person, or the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. § 9902(2), except minimum support may be ordered as defined in paragraph I above.

Paragraph R (previously Q) adopted Dec. 23, 1992; amended effective Jan. 1, 1996; amended September 25, 1996; amended March 26, 1997; amended March 18, 1998; amended April 21, 1999; amended March 15, 2000; amended April 18, 2001; amended effective Sept. 1, 2002; amended February 26, 2003; amended March 10, 2004.

◆ POLICY STATEMENT ON INTEREST OF STIPULATED PAYMENTS OF CONDEMNATION AWARDS

Money invested following the appeal of a condemnation award, which is pending settlement in district court, may be paid, (in whole or in part), to the condemnee upon receipt of an order or stipulation for disbursement. When a stipulation provides for disbursement of the entire amount of the award, **but does not address accrued interest**, the county court may redeem the principal and accrued interest **and remit the interest** to the condemner.

◆ FORM 8300

The Internal Revenue Code (IRC) provides that any person who, in the course of its trade or business, receives in excess of \$10,000 cash in a single transaction (or in two or more related transactions) must report the transaction to the IRS and furnish a statement to the payer.

"Cash" generally means the coin and currency of the U.S. or of any other country. For purposes of this reporting requirement, "cash" also includes a cashier's check, bank draft, traveler's check or money order. The term "cash" **excludes** personal checks written by an individual.

If the transaction was conducted on behalf of an individual or an organization, the following information must be provided on Form 8300 for that individual or organization:

- Name
- Address
- Social Security number, employer identification number or individual taxpayer identification number (or description of identification document, such as passport, if individual is a nonresident alien)

Form 8300 must be filed with the IRS by the 15th day after the date the cash is received.

A penalty is applicable to each Form 8300 filed late or filed with incomplete or incorrect information.

For more information, see: www.irs.gov/pub/irs-pdf/f8300.pdf

Contact Judy Anderson, JUSTICE Business Analyst, at 402-471-3572 if you have any questions regarding this matter.

◆ INTERPRETER USAGE CONTINUES TO RISE

In 2004, the use of court interpreters in our courts and probation offices continues to rise dramatically. The following is the history of actual expenditures for interpreter services. Note that this includes the costs for administration and coordination of the program.

FY 01	\$ 442,891
FY 02	\$ 492,279
FY 03	\$ 491,663
FY04	\$ 513,156

Attached to the back of this memo is a chart which details the interpretations which occurred during calendar year 2004. The chart shows the judicial districts, languages used and the amount expended.

For more information about the interpreter program, contact Kenneth A Wade, Associate Administrator, 402-471-2671.

◆ WORK ETHIC CAMP DEMOGRAPHICS

Statistics as of January 31, 2005

Grand Total Admissions, April 30, 2001 – January 31, 2005	841
Total Current Count in the Program as of January 31, 2004.....	79
Total Completed Successfully Since 2001.....	629
Total Removed from the Program Since 2001.....	139

Counties Sending Offenders and How Many Sent

Douglas	185	Cass.....	15	Butler.....	7
Lancaster.....	90	Custer	10	Burt	4
Hall	54	Richardson.....	9	Furnas.....	4
Sarpy	33	Johnson	10	Hamilton.....	6
Adams	34	Box Butte	8	Holt.....	4
Dodge.....	31	Cheyenne	10	Howard.....	4
Red Willow	27	Saline	11	Nance	4
Gage.....	24	Washington.....	7	Dawes	3
Dakota.....	21	Fillmore	11	Franklin	3
Scotts Bluff	21	Jefferson	6	Nuckolls	3
Buffalo	22	Nemaha	8	Colfax.....	2
Madison.....	17	Otoe	6	Cuming.....	3
Saunders.....	20	Sheridan	6	Greeley	2
Phelps	14	Clay.....	7	Hitchcock	2
Dawson	14	Merrick.....	5	Keith.....	2
Lincoln.....	10	Morrill	9	Pierce.....	2
		Platte.....	8	Thayer.....	2

1 from each as follows: Antelope, Boone, Cedar, Cherry, Dixon, Dundy, Garden, Gosper, Grant, Harlan, Kearney, Polk, Seward, Valley, Wayne, Webster.

Offenses

Theft or Burglary Offenses.....	377
Drug Offenses	324
Forgery/UL use of UL use of Trans.	
Device/Issuing a Bad Check.....	47
Other – Criminal Mischief, Terroristic	
Threats, Escape, Etc.	93

Gender

Total Males.....	725
Total Females	116

Age

Age Range	16 – 48 years
Average Age	21 – 25 years

Race

Caucasian	644
African American.....	112
Hispanic.....	58
Native American.....	16
Asian Amrican	7
Other	4

Substance Abuse

Total Offenders Treated.....	774
Percentage Treated for Substance Abuse.....	92%

Programming

Each offender attends an average of **225** hours of programming class time (cognitive behavior, job preparation skills, life skills, problem solving and parenting classes) during a minimum 120-day stay at the Work Ethic Camp. Offenders who need Substance Abuse treatment and/or ABE/GED will spend more time in classes or groups.

Education

Total Needing ABE/GED Upon Admission 426
Lowest Education Level 7th Grade
Highest Education Level College Junior
Total Who Have Received GED while at WEC 158

Road Crew Hours

Grand Total, April 30, 2001 – December 31, 2004 137,898
Total Hours, Calendar Year 2004 44,091

◆ FILING AND REPORTING REQUIREMENTS

Judicial Financial Interest Statements: Due May 1 for all full-time individuals subject to the Judicial Code of Conduct.

Statement for Payment of Interpreters: Interpreter to submit between the 1st and 7th day of each month.

Judges' Cases Under Advisement Reports: Due by the 5th day of each month (reports are compiled and submitted to the Supreme Court).

Court Reporter Timesheets: Due by the 5th day of each month (judges are to sign time sheets prior to submission).

Permanently Assigned Vehicle Logs: Due by the 5th day of each month.

Report of Probate Cases Pending: Due by the 10th day of each month.

Court Caseload Monthly Statistic Reports: Due by the 10th day of each month.

County Court Time Sheets: Due by the 10th day of each month.

Stenographer Transcription Reports: Due by the 10th day of each month.

Cash Drawer Short/Long Transactions (County Court only): Due by the 10th day of each month.

Expense Vouchers: Submit on a monthly basis (rather than combining several months of expenses on one voucher).

◆ JUSTICE TRAINING OPPORTUNITIES

- District Court, March 22 – 24, North Platte
- County Court, April 11 – 15, Lincoln
- County Court, May 16 – 20, North Platte
- District Court, May 24 – 26, Lincoln

Complete training calendars for 2005 can be found online:

- County Court Calendar: http://court.nol.org/community/cc_justice_train_cal.pdf
- District Court Calendar: http://court.nol.org/community/dc_justice_train_cal.pdf

Contact Marcie Brush, Administrative Assistant, at 402-471-2249, for registration information.